

Inner City Press

January 3, 2023

By ECF

Hon. Sidney H. Stein, United States District Judge
Southern District of New York, 500 Pearl Street, New York, NY 10007

Re: Press application to be heard / to unseal sentencing memo and exhibit in US v. Jennifer Shah, 19-cr-833 (SHS)

Dear Judge Stein:

Inner City Press has been covering the above captioned criminal case and this letter concerns the heavily redacted sentencing memorandum, and heavily redacted exhibits, put on the public docket. The redactions go far beyond what case law supports. Inner City Press hereby opposes the redactions and moves that they be denied, and/or that it have an opportunity to be heard on the scope of redactions and secrecy.

"Representatives of the press must be given an opportunity to be heard on the question of their exclusion from a court proceeding, and we have recognized a similar right of news media to intervene in this Court to seek unsealing of documents filed in a court proceeding." *Trump v. Deutsche Bank AG*, 940 F.2d 146, 150 (2d Cir. 2019).

Defense counsel has redacted even from the Table of Contents (Point C.4), full paragraphs from Pages 2, 4, 12, 17, 18 and 19 of the Memo - and page 20-22 in its entirety.

Even the Description of Exhibit C is redacted; the entirety of Letter A-5 is redacted, as are Exhibits B and C. In my time covering sentencing proceedings in Federal courts, this is the most heavily redacted sentencing submission I've seen, and it does not implicate national security information (as in *US v. Joshua Schulte* and other cases in SDNY).

"The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

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SDNY Judges Hellerstein, Castel, Furman and others have docketed and granted similar requests from the undersigned / Inner City Press. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> and *US v. Weigand*, 20-cr-188 (JSR), see Dkt. No. 250.

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Sidney H. Stein, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the sentencing memo in all portions including Exhibit 16 to the Government's sentencing memorandum in *US v. Shah*, 19-cr-833 (SHS)

Please act on, and docket, this request, as soon as possible before the sentencing.

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

cc: counsel via ECF